

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75584 of 2023

Arising Out of PS. Case No.-163 Year-2021 Thana- KAKO District- Jehanabad

MANISH KUMAR @MANORANJAN KUMAR SON OF MUNARIK
PRASAD @MUNARIK YADAV VILLAGE- PAHALBIGHA, P.S-. KAKO,
DIST.- JEHANABAD

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Bhardwaj

For the Opposite Party/s : Mr.Damodar Prasad Tiwary

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 08-12-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Sessions
Kako P.S. Case No. 163 of 2021 registered for the offences
punishable under Section 304(B) and 34 of the Indian Penal Code.

3. As per prosecution case, petitioner married with the
deceased four years ago. It is alleged that on 20.10.2021 informant
got information that his niece has been killed by administering
poison and when she did not die of poison then petitioner and others
committed the murder of informant's niece by strangulation.

4. Learned counsel for the petitioner submits that
petitioner is in custody since 01.02.2022 which is more than one year
and ten months and bears no criminal antecedent. He further submits
that the bail of the present petitioner has already been rejected by this



Court Vide Cr. Misc. 33165 of 2022 on 16.01.2023 with an observation that if the trial is not concluded within the stipulated period of six months, the petitioner may renew his prayer for bail. He further submits that the present bail petition has been filed after eight months since the date of rejection of his previous bail prayer. He further submits that petitioner is quite innocent and has committed no offence as alleged in the F.I.R. He further submits that deceased was mentally ill and petitioner did everything to support the deceased to recover from mental illness. He further submits that since the date of rejection of earlier bail prayer of the petitioner ten months have been elapsed and out of ten prosecution witness, five prosecution witnesses have been examined. He further submits that delay of trial is not attributable to the petitioner as he is in custody since 01.02.2022.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner and submits that earlier bail prayer of the petitioner has been rejected on merit vide order dated 16.01.2023 passed in Cr. Misc. No. 33165 of 2022 with an observation that if the trial is not concluded within the stipulated period of six months, the petitioner may renew his prayer for bail.

6. A report regarding stage of trial has been sought by this Court and in pursuance of the said direction, the trial court vide letter no. 291/2023 dated 29.11.2023 has sent its report which reveals that out of ten prosecution witnesses, five prosecution



witnesses have been examined and the trial court has sought three months time to conclude the trial.

7. Considering the facts and circumstances of the case, arguments advanced on behalf of both sides, material available on record as well as report of the trial court, I am not inclined to grant bail to the petitioner. Accordingly, the prayer for bail of the petitioner is hereby rejected.

8. However, trial court is directed to conclude the trial within three months from the date of receipt/production of copy of this order. If the trial is not concluded within the stipulated period, petitioner may renew his prayer for bail.

(Alok Kumar Pandey, J)

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